

RAYMOND J. SMITH,) Case No.: 12-CV-04150-LHK
)
Plaintiff,) ORDER DISMISSING CASE
)
vs.)
)
HUNT & HENRIQUES, MICHAEL S. HUNT,)
and JANALIE HENRIQUES,)
)
Defendants.)

In light of Plaintiff's failure to file a case management statement and failure to appear at the February 6, 2013 case management conference, the Court ordered Plaintiff to show cause, by February 20, 2013, why this case should not be dismissed with prejudice for failure to prosecute. A hearing on the Order to Show Cause ("OSC") was set for February 27, 2013 at 2:00 P.M.

1 Plaintiff was advised that, should Plaintiff fail to respond to this Order and to appear at the
2 February 27, 2013 hearing, Plaintiffs' case would be dismissed with prejudice for failure to
3 prosecute.

4 On February 19, 2013 (11 days after the deadline), Plaintiff filed a response to the OSC.
5 *See* ECF No. 15. Plaintiff stated that Plaintiff was unable to prepare a case management statement
6 or participate in the case management conference because Plaintiff is suffering from physical
7 disabilities which were exacerbated by a case of the flu. *Id.* at 1-2. Plaintiff also contested
8 Defendants' representation that that Defendants' were not able to communicate with Plaintiff. *Id.*
9 at 3-4. Plaintiff did not appear at the February 27, 2013 OSC hearing.

10 In light of Plaintiff's failure to: (1) file a case management statement in advance of the
11 February 6, 2013 case management conference; (2) appear at the February 6, 2013 case
12 management conference; (3) file a timely response to the OSC; and (4) appear at the February 27,
13 2013 OSC hearing, the Court DISMISSES Plaintiff's case. However, given that Plaintiff filed a
14 response to the OSC (albeit a late one), the Court's dismissal is *without* prejudice. The Clerk shall
15 close the file.

16 **IT IS SO ORDERED.**

17 Dated: March 1, 2013



LUCY H. KOH
United States District Judge